



TOWN OF CONCORD

BOARD OF HEALTH

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MINIMUM STANDARDS FOR KEEPING OF ANIMALS

Regulation 1: Definitions: When used in these standards or in communications, notices, or orders relative thereto, the following words and/or phrases shall have the meanings prescribed to them as here set forth.

- 1.1 Abutter:** Shall mean the owners or tenants of property which adjoins the lot upon which animals are to be kept whether or not said properties are separated by a public way.
- 1.2 Animal:** Shall mean any animal such as but not limited to poultry, bird, reptile, cow, and horse.
- 1.3 Bird:** Shall mean any warm-blooded vertebrate with feathers and wings such as but not limited to parrots, parakeets, canaries, crows, falcons, game birds, and peacocks.
- 1.4 Cattle:** Shall mean all domesticated ruminant such as but not limited to sheep, goats, and bovine animals.
- 1.5 Equine:** Shall mean all animals of equine family such as but not limited to horses, mules, and donkeys.
- 1.6 Poultry:** Shall mean all domesticated or semi-domesticated edible birds such as but not limited to chickens, turkeys, ducks, guinea fowl, pheasants, and pigeons.
- 1.7 Rodent:** Shall mean any animal of the order of Rodentia such as but not limited to rabbits, guinea pigs, hamsters, chinchillas, squirrels, rats, mice, and gerbils.

- 1.8 Other:** Shall mean animals that include but not limited to feral animals.
- 1.9 Board of Health:** Means the appropriate and legally designated health authority of the city, town, county, or other legally constituted governmental unit within the Commonwealth having the usual powers and duties of the Board of Health of a city or town or its authorized agent or representative.
- 2.0 Corral:** Shall mean a pen or enclosure for confining animals.
- 2.1 Facility:** Shall mean any corral, building, drylot, enclosure, run, shed, stable, stall, or structure used for the keeping or restraining of any animal except such of those that are subject to regulation under the provisions of:
- 2.1.1** Section 2B of Chapter 128 of the General Laws pertaining to commercial riding stables,
- 2.1.2** Section 39A of Chapter 129 of the General Laws pertaining to pet shops, and
- 2.1.3** Sections 136A through 175 of Chapter 140 of the General Laws pertaining to dogs.
- 2.2 Aviary:** Shall mean any enclosure, cage, building, lot, structure or premises or portion thereof where more than four birds of any species are kept or maintained for any purpose.
- 2.3 Apiary:** Shall mean any building, lot, structure, enclosure or premises or portion thereof where more than three hives of bees are kept or maintained for any purpose.
- 2.4 Cattery:** Shall mean any building, lot, structure, enclosure or premises thereof where more than two cats are kept or maintained for any purpose.
- 2.5 Dog Kennel:** Shall mean any building, lot, structure, enclosure or premises or portion thereof where three or more adult dogs are kept or maintained for any purpose. (License required from Town Clerk)
- 2.6 Department Store:** Shall mean any store keeping a great variety of goods arranged in several departments.
- 2.7 Pet Shop:** Shall mean any store or department of any store or any place of business where animals (feral or tame) used as household pets or for domestic purposes are kept for sale or hire. (State License Required).
- 2.8 Feed:** Means a food mixture or preparation used for consumption by animals kept at a facility.

2.9 Unsanitary

Conditions: Means that state of being of a facility which, in the opinion of the Board of Health, is conducive to or results in:

- 2.9.1** breeding of flies,
- 2.9.2** creation of malodors,
- 2.9.3** vermin infestation,
- 2.9.4** liquid effluent,
- 2.9.5** runoff,
- 2.9.6** disease carriers,
- 2.9.7** noise,

in such concentrations and of such duration as to:

- 2.9.7.1** cause a nuisance
- 2.9.7.2** be injurious or, on the basis of current information, potentially injurious to human health; or
- 2.9.7.3** unreasonably interfere with the comfortable enjoyment of life and property.

3.0 Malodor: Means an offensive odor.

3.1 Owner: Shall mean every person who alone, or jointly, or severally with others:

3.1.1 Has a legal title to any dwelling or dwelling units, or

3.1.2 Has care, charge, or control of any dwelling or dwelling unit as agent, executor, executrix, administrator, administratrix, trustee, lessee, or guardian of the estate of the holder of legal title. Each such person thus representing the holder of legal title is bound to comply with the provisions of these regulations as if he were owner.

3.2 Pasture: Shall mean a plot of land used for grazing and/or feeding of animals.

3.3 Permit: Shall mean written authorization from the Board of Health.

3.4 Person: Shall mean any individual, partnership, corporation, firm, association, or group, including a city, town, county, or other governmental unit, owning property or carrying on activity regulated by these regulations.

3.5 Runoff: Shall mean any liquid that flows over the surface of the ground.

3.6 Stable: Means a building or structure in which animals are sheltered and/or fed.

3.7 Stall: Means a compartment in a stable used for the keeping of one or more

animals.

- 3.8 Swine:** Shall mean any hoofed mammal of the porcine species.
- 3.9 Vermin:** Shall mean any of various destructive insects, (or small animals shall include but not limit to, flies, mosquitoes, lice, mice, and rats).
- 4.0 Wetland:** Shall mean any wet meadows, marshes, swamps, bogs, and areas of flowing or standing water. Wetlands are characterized by the presence of wetland soils or the presence of plant communities which require the presence of water at or near the ground surfaces for a significant portion of the growing season or for 7 or 9 months of the year.
- 4.1 Zoo:** Shall mean a place where wild animals are kept for public viewing. (License required by the State).

Regulation 2. GENERAL REQUIREMENTS

- 2.1** No person, firm, or corporation shall exhibit, raise, board, train, or keep within the limits of the town, in any building, or on any premises on which he may be the owner, lessee, tenant, or occupant, any cattle, equine,, swine or other animal as defined in Regulation 1.2 without written permit from the Board of Health. Any such permit shall expire annually on March 31st and may be revoked by the Board at any time for cause. The licensing fee shall be \$50 initially and \$10 for renewal. The permit is not transferable.
- 2.2** All new applications for a permit to keep animals as specified in Reg 2.1 shall be submitted on a form supplied by the Board of Health. Such application shall be accompanied, in such instance as are required by the Board, by a plan showing the property to be used, the names and addresses of all abutters, the proposed location of the facility, the location of any wetlands, drains, or known sources of water supply within 200 feet of the facility. The application shall also be accompanied with a proposal or plan to indicate how the property shall be maintained so that it will be kept clean and free from filth and stagnant water, and the method to be used to control flies and rodents. Such plan shall also show the construction details of the facility with necessary drainage details. The application plan shall also show the type, location and dimension of fencing.
- 2.3** The permit shall specify the maximum number of animals which are to be kept within such an area. No animals in excess of the number specified shall be kept therein.
- 2.4** No person shall maintain equines or cattle anywhere in the Town without first providing an approved stable.
- 2.5** The procedure for obtaining a permit for a stable shall be outlined by the Board of Health and shall be available at the office of the Board.
- 2.6** Nothing in these regulations shall prevent the exhibition, raising or keeping of animals

including but not limited to laboratory animals or birds in pet shops registered with the Board of Health; biological laboratories, hospitals, veterinary hospitals registered with the Board of Health, licensed poultry slaughter houses, licensed slaughter houses, zoos, animals pounds, or shelters conducted by animal humane societies, or non-profit or charitable foundations. The Board of Health will consider but not be limited to the health risks of any of the above when registering these establishments.

Regulation 3. DEALER'S PERMITS (State License Required)

- 3.1** No person, firm or corporation shall engage in the business of buying, selling, dealing, boarding or training of animals used as household pets or used for domestic purposes or laboratory purposes, without first obtaining a permit as hereinafter provided.
- 3.2** Any person, firm or corporation desiring to engage in the business of buying, selling or dealing in animals used as household pets or for domestic purposes, shall make written application, on forms provided by the Board of Health for a permit to do so. The application shall state the location at which it is intended or desired to carry on such business as well as a description of the premises.
- 3.3** It shall be the duty of the Board of health to cause an examination to be made of the premises named and described in such application for the purpose of determining the fitness and suitability of such premises for such business from the public health standpoint.
- 3.4** No person shall erect or use for an apiary, aviary, cattery, dog kennel or stable any part of a dwelling unit or commercial establishment except as hereinafter provided. Existing dwellings used in part as a veterinary hospital may be permitted to operate as such, provided that no room or enclosure used for animals shall communicate directly with rooms used for domestic purposes.

Regulation 4. CONSTRUCTION AND MAINTENANCE OF FACILITIES

- 4.1** The minimum requirement for housing shall be an open shed, offering maximum protection, with a weatherproof roof and three sides, enough head room for the animal to be housed and floored with any material that can be kept clean and dry, with proper drainage provided.
- 4.2** The owner or other person or persons having control of any existing building or buildings hereafter erected or converted into a facility for the keeping of animals, shall keep said facility in a neat and sanitary condition, free from decaying food, vermin, feces, and stagnant water.
- 4.3** The corral shall be dry, well-drained, kept clean and fenced. A pasture must also be adequately fenced. Fencing may be of wood, smooth woven wire, or charge electric wire. If the latter, local restrictions shall be observed. There shall be at least one warning label where the fence is located on street frontage, and at 50-foot intervals if the

frontage exceeds 100 feet. The fence shall be high enough to discourage dumping or reaching over. Barbed wire is unsuitable for horses. If corral is not grassed, dust control measures shall be taken.

- 4.4** Property barriers such as appropriate fencing or closely planted trees shall be installed, or other appropriate measures taken, on lots where it is necessary to discourage neighborhood children from wandering into the area of the facility, or on lots where the location of the facility will ordinarily interfere with the comfortable enjoyment of an abutter's property.
- 4.5** A supply of potable water shall be available at or near the facility for feeding, cleaning, and fire protection purposes.
- 4.6** Animals not normally found or kept as domesticated animals such as but not limited to feral animals shall not be permitted except by written consent of the Board of Health and other approving authorities.

Regulation 5. SANITARY REQUIREMENTS

- 5.1** No person owning, leasing, or controlling the management of a facility for the keeping of one or more animals, shall willfully or through negligence, cause, suffer, allow or permit:
 - 5.1.1** The floor and/or the ground of the facility for the keeping of animals designed, constructed and/or maintained so as to cause or contributed to insanitary conditions at said facility,
 - 5.1.2** Drainage or liquid effluent containing urine and/or fecal matter from any animal kept at said facility to be discharged in runoff, or to flow over the surface of the ground onto neighboring property, public way, or wetlands.
- 5.2** Management and disposal of manure and soiled bedding shall be such as to minimize odors, breeding of flies, and the distance from abutting properties and wetland, and with due consideration of the prevailing winds.
 - 5.2.1** The manure shall not be stockpiled between the period of April 15 and October 15.
 - 5.2.2** During warm weather, manure shall be treated with lime or superphosphate or other appropriate material to minimize odors and treated with approved insecticides for fly control.
 - 5.2.3** The dimensions and/or drainage conditions of any particular lot may, in the opinion of the Board of Health, require off-property disposal of manure. In such cases the manure shall not be put out for general town trash collection. It shall be the responsibility of the owner to dispose of manure in a safe and sanitary manner. The Concord Sanitary Landfill cannot accept animal waste.*¹

¹ Concord Sanitary Landfill closed in 1994.

- 5.3** Animals shall be maintained in a clean and healthy condition. The animals shall be protected from vermin such as but not limited to suckling insects which transmit diseases.
- 5.4** Any animal feed that is stored on, at, or proximate to the facility for the keeping of animals shall be stored in closed, moisture and vermin resistant containers.
- 5.5** No owner of a facility for the keeping of one or more animals, shall willfully or through negligence, cause, suffer, allow, or permit an infestation of vermin at said facility.
- 5.6** Dead animals shall be buried, incinerated, or disposed of in such a way as to prevent the attraction of flies and prevent odors. If an animal must be destroyed this shall be done in a human manner. If buried, the animal shall be put in a hole, the bottom of which shall be a minimum of four feet above high water and covered with at least four feet of compacted dirt. The burial site shall be at least 15 feet from any lot line and 75 feet from any wetland and must have approval of the Board of Health.
- 5.7** The maintenance of facilities in an unsanitary condition as defined in Regulation 1 of these regulations may result in the suspension of the permit and/or of a fine.

Regulation 6. KEEPING OF EQUINES

- 6.1** No permit shall be issued to keep a horse unless the usable area, drainage conditions and dimensions of the lot are acceptable to the Board of Health.
- 6.2** Additional horses up to a total of four (4) will not be allowed unless the lot contains a minimum of 2/3 acre per each additional horse. More than four horses may be permitted on lots containing more than three (3) acres, provided that lot dimensions are acceptable to the Board of Health, and provided that the granting of such permit will not adversely affect the public health, safety and welfare.
- 6.3** Under no circumstances shall a horse be allowed to roam free; nor should it be left tethered, unless attended by a responsible person. Repeated violation of this regulation will result in suspension of this permit. (See additional Town Bylaws pertaining to roaming animals).
- 6.4** No horse shall be kept in the Town of Concord without having the necessary immunization certificate as required by the Division of Animal Health, Department of Agriculture, Commonwealth of Massachusetts.

Regulation 7. KEEPING OF POULTRY

- 7.1** Poultry shall not be allowed to forage or stray outside the area of the facility.
- 7.2** No rooster shall be kept unless permit so specifies. It shall be adequate cause for refusing or revoking a permit to keep a rooster if one or more abutters complain of its presence by reason of noise.

- 7.3** Coops for the keeping of poultry shall be maintained in a sanitary manner.
- 7.4** Keeping of pigeons:
- 7.4.1** A permit shall distinguish between pigeons permanently cooped and pigeons allowed free flight.
 - 7.4.2** Every effort and precaution shall be taken to minimize flying or roosting on, above, within or proximate to abutting properties. It shall be adequate cause for refusing or revoking a permit for the keeping of pigeons if the flying of said pigeons habitually interferes with the comfortable enjoyment of surrounding properties.
 - 7.4.3** Training and/or exercising of the pigeons shall be undertaken at such times of the day or seasons which do not coincide with the normal periods of yard use and enjoyment of neighbors.
 - 7.4.4** Exercise shall be allowed only under supervision of the owner and for limited durations.

Regulation 8. KEEPING OF SWINE

- 8.1** All feeding platforms for swine shall be cleaned daily and the refuse taken therefrom buried or otherwise disposed of so not to cause a nuisance by reason of odors of the attraction of flies.
- 8.2** The ground adjacent to all feeding platforms for swine shall be kept clear of garbage and shall be periodically cleaned and so covered with earth or treated with lime or other disinfectant or deodorant that noisome odors shall not be caused thereby or flies attracted thereto.
- 8.3** All muck shall be removed periodically from pens for keeping swine and the same replaced with clean sand.
- 8.4** The term garbage where used in these regulations pertaining to the keeping of swine shall be deemed to include offal and waste matter from markets, hotels, restaurants, packing houses and rendering plants, decayed or decaying or perishable vegetable or animal matter, as well as domestic or house scraps.
- 8.5** Garbage for the feeding of swine shall be stored only in containers made of concrete or other waterproof material and such containers shall at all times, when not being filled or emptied, be kept tightly covered so as to prevent flies from entering such containers. Permanently fixed containers must be equipped with property underground drainage.
- 8.6** Whenever garbage is used for feeding swine, it shall be spread, dumped or exposed for

feeding only on platforms, the floors of which shall be water tight and three sides of which shall be of a height sufficient to prevent the garbage from being spilled upon the ground. Such feeding platforms shall:

8.6.1 Be constructed as to be readily portable or shall be raised above the ground to permit periodic cleaning of the ground, or

8.6.2 Be made of a permanent waterproof material which can be cleaned and kept in good repair.

8.7 Notwithstanding any of the provisions relating to the keeping and feeding of swine, no person shall so conduct the business of keeping of swine as to permit the same to constitute a nuisance.

Regulation 9. KEEPING OF BEES

A permit shall be required for keeping of bees.

Regulation 10. KEEPING OF ANIMALS IN THE SCHOOL SYSTEM

All preceding animal regulations shall apply to animals in schools. (See Board of Health recommendations for keeping of animals in school facility).

Regulation 11. PRIOR PERMITS

All permits issued for the keeping of animals prior to the adoption of these regulations shall be valid, and may be renewed subject to the regulations in effect prior to the adoption of these new regulations providing the persons, conditions, and agreements contained in the original applications have not changed, and that no conditions exist that would be injurious to the public health, or restrict the normal use and enjoyment of contiguous property. All renewal of permits subsequent to the adoption of these regulations shall be subject to the adopted schedule of fees.

Regulation 12. NEW PERMITS

12.1 Individuals seeking new permits must comply with all of these regulations.

12.2 The Board of Health shall insure that all abutters are notified prior to a hearing in relation to the issuance of a new permit.

Regulation 13. SEPARABILITY

So far as this Board of Health may provide, each section of these rules and regulations shall be construed as separate to the end that if any section, item, sentence, clause or phrase shall

be held invalid for any reason the remainder of these rules and regulations shall continue in full force and effect.

Regulation 14. VARIANCE

The Board of Health may vary the application of any provision of these regulations with respect to any particular case when, in its opinion, the enforcement thereof would do manifest injustice; provided, that the decision of the Board of Health shall not conflict with the spirit of these minimum standards. Any variance granted by the Board of Health shall be in writing. A copy of any such variance shall, while it is in effect, be available to the public at all reasonable hours in the office of the clerk of the city or town, or in the office of the Board of Health.

Regulation 15. PENALTY

Whoever violates any of these rules and regulations shall forfeit the permit and/or a sum not exceeding one hundred dollars (\$100) unless when otherwise provided by law or by these regulations.